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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4443-2024
Date of decision:-21.10.2024

Biren Sahni

...Petitioner

Versus

M/s Aditya Birla Retail Private Ltd. and another

...Respondents

CORAM : HON’BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Vaibhav Sehgal, Advocate
for the petitioner.

Mr.Chetan Mittal, Senior Advocate with
Mr.Himanshu Gupta, Advocate and
Mr. Pawan Pahwa, Advocate
for the respondents.

SUVIR SEHGAL, J.(ORAL)

1. By way of present revision petition filed under Article 227 of the Constitution of India, petitioner has approached this Court for issuance of an appropriate direction to the Court of learned Additional District Judge, Commercial Court, Ludhiana, to decide the Execution Petition No.501 dated 10.03.2022 titled as “*Biren Sahni Versus M/s Aditya Birla Retail Private Ltd. and others*”, filed by the petitioner.

2. While issuing notice of motion to the respondents, this Court vide order 07.08.2024 called for a report from the Court of



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learned Additional District Judge, Ludhiana, which has been received.

Relevant extract of the report is reproduced hereunder:-

“4. It is submitted that undersigned has joined Ludhiana Session Division on 23.04.2024. Impugned Execution Petition for first time was put up before me on 08.05.2024, and then on 22.05.2024, 12.07.2024, 24.07.2024, 14.08.2024 and 29.08.2024. On these dates except on 14.08.2024 adjournment has been sought to advance the arguments on pending applications. On 14.08.2024 undersigned had gone to Bhopal in Madhya Pradesh to attend Three days training of Orientation Program on New Criminal Laws. Now Execution Application and Objection filed u/s 34 of Arbitration and Conciliation Act are pending for 11.09.2024 for advancement of the arguments on the pending applications.”

3. A perusal of the above reproduced report shows that the proceedings have been repeatedly adjourned (except on one hearing) on the request of counsel for the parties. On the one hand, the counsel for the petitioner is seeking adjournment before the Court of learned Additional District Judge and on the other hand, instant petition has been for directing the Executing Court to conclude the proceedings.

4. In **M. Gopalkrishnan & Ors. Versus Pasumpon Muthuramalingam & Anr., 2024 (1) RCR (Criminal) 864**, Hon'ble Supreme Court has held that before passing any order for expeditious disposal of proceedings in a particular case, it would be appropriate for the higher Court to appreciate that any such order in one case, without any cogent and extremely compelling reasons, might upset the calender



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and schedule of the subordinate Court. It might result in assigning an unwarranted priority to that particular case over and above other cases pending in that Court.

4. For the reasons given above, there is no merit in the civil revision, which is hereby dismissed.

21.10.2024
Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No